



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 5, 1992

Mr. Ross T. Foster
City Attorney
City of Colleyville
701 Texas Commerce Bank Building
860 Airport Freeway West
Hurst, Texas 76054

OR92-47

Dear Mr. Foster:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14520.

You have received a request for information relating to a certain supplemental audit performed by the City of Colleyville (the "city"). You claim that the requested information is excepted from required public disclosure by sections 3(a)(1), 3(a)(3), and 3(a)(11) of the Open Records Act.

Section 3(a)(3) excepts:

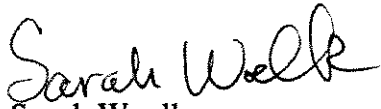
information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

Section 3(a)(3) applies to information that is relevant to pending or reasonably anticipated litigation. Open Records Decision No. 551 (1990).

You have submitted to us for review correspondence from an attorney representing two former city employees who clearly intend to bring suit against the city. On the basis of this correspondence, we conclude that litigation may be reasonably anticipated. Furthermore, we conclude that the requested information relates to the anticipated litigation and may be withheld from required public disclosure by section 3(a)(3) of the Open Records Act. Please note that this ruling applies only for the duration of the litigation at issue and only for information that is not disclosed by the discovery process or by court order. Because we resolve your request under section 3(a)(3), we need not address the applicability of sections 3(a)(1) and 3(a)(11) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-47.

Yours very truly,



Sarah Woelk

Assistant Attorney General
Opinion Committee

SW/GK/lcd

Ref.: ID# 14520

cc: Ms. Milissa Williams
Reporter
Fort Worth Star-Telegram
807 Forest Ridge Drive, Suite 100
Bedford, Texas 76022